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H – 5127

International Court of Justice

H5127 – 0002

H-5127

SA (Stahlm)
affidavits

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SA (Stahlheim)
affidavits

H5127 - 0003

H5127 - 0004

AFFIDAVITS PRESENTED BEFORE THE COMMISSION

SA Stahlhelm

1. Carl Simon
2. Georg Duesterberg

H5127 - 0005

SA STAHLHELM No. 1.
Defense Exhibit No. 1

Carl S i m o n

Koeln-Lindenthal
am Krielercam 9

Cologne, June 19th 1946.

I am making the following affidavit for the International Military Tribunal in Nuernberg, and I know that false affidavits are punishable under the laws of the Military government and under German criminal law.

My name is Carl Simon, born /11/1883 in Koblenz, by profession a merchant; residence as mentioned above, married, father of four childrer

I have not been a member of the NSDAP or of any of its organizations.

1) As a front combatant of the world war I entered the Stahlhelm legion of combatants, at the beginning of 1926, and became at the end of 1926 local group leader (Ortsgruppenfuehrer) of the local Stahlhelm group Cologne-Suelz, Cologne-Klettenberg and Cologne-Zollstock. In 1930, I became Gau manager (Gaugeschaeftsfuehrer) of the Stahlhelm Gau Cologne who had at that time 10-20.000 members. In addition I was entrusted from 1933 to 1934 with the leadership of the Stahlhelm circle (Stahlhelmkreis) Cologne city left Rhine bank. At the end of 1934, I became deputy (Gau leader of the Stahlhelmgau Cologne until its dissolution in November 1935. Afterwards, I liquidated the Gau area.

Before 1933, the Stahlhelm Gau Cologne belonged to the Regional Federati (Landesverband) Westmark. Its area was the region extending from Koblenz to about the Dutch and Belgian frontiers. After the assumption of power by the NSDAP the Legion was divided into the Legions Lower Rhine and Westmark. At the end of 1933 - up to then - Regional Legions of the Stahlhelm were divided into sub-groups, which corresponded to the Gau areas of the NSDAP. Regional Leader of the sub-group-Achen was count Clemens Beissel.

My following statement refers to the entire district of the Stahlhelm from Koblenz to Duesseldorf, with, in my estimation, 100.000 members.

2) Concerning the aims and purposes of the Stahlhelm, I declare that the Stahlhelm was an absolute enemy of any war of aggression. This attitude was expressed at all assemblies and in the publications. Concerning the regulations of the Versailles treaty, the Stahlhelm insisted on the removal of the burdens laid upon Germany, but exclusively in a legal manner, by negociations with the treaty partners. The Stahlhelm campaigned for the union of the combatants of all countries, which was aimed at the avoidance of any future wars. When, in the year 1934, a conference of the combatants of several countries took place in Budapest, the NSDAP prohibited the participation, which had already been announced, of the Stahlhelm. In the summer of 1933, the delegates of the British Legion (English combatants) came, at the end of their visit of Germany, to Cologne, as guests of the Stahlhelm of the Gau Cologne. The Gau leadership and the Gestapo, however, prohibited the conferences and arrangements which were to have taken place. Only a reception by the organisations of the NSDAP took place.

3) Up to the assumption of power by the NSDAP, the relations between Stahlhelm and NSDAP were very strained. There were numerous attacks against the Stahlhelm.

- 1 -

H5127 - 0006

SA STAHLHELM AFFIDAVIT No. 1.
Defense Exhibit No. 1

When the claims for power of the NSDAP became known, a lage afflux of persons coming from all classes of the people into the Stahlhplm occurred in autumn 1932. This afflux became stronger at the beginning of 1933, and consisted of members of all political parties up to the extreme Left. Racial, political and religious differences did not play any part. This circumstance increased the membership of the Stahlhelm in the district from Cologne to Duesseldorf to about 100.000 members. In the whole of Germany, the figures rose to 2 to 3 million members of the Stahlhelm owing to this inrush. The cause and the aim of this afflux was the opposition of the old and new Stahlhelm members against the claims for power of the NSDAP. This led, alread since the spring of 1933, to numerous disselutions, confiscation and arrests of Stahlhelm groups, their members and thar property In April 1933 I myself was taken, as a Gau manager, into protective custody for two days by the Gestapo, with some comrades. I was arrested anew in July 1933, in September 1933 in April 193 In this latter case owing to sabotage of the SA reserve.

4.) When the Legion leader (Bundesfuehrer)Seldte put, in the spr of 1934,the Stahlhelm under the control of the Supreme SA Leader (Hitler) and dismissed, on April 27th 1933, the deputy Legion leader Duesterberg, the indignation within the Stahlhelm was universal. At that time, new members were continuously being enlisted in nearly all districts and all Stahlhelm people provided with new uniforms, in order to be able to start a revolt at a suitable date.

In the time to come, agreements were reached between Hitler, the chief of staff of the SA Roehm and the Legion leader of the Stahlhelm Seldte, concerning the coordination and the incorporation of the Stahlhelm by the SA, agreements which were made known to the Stahlhelm adherents only in an incomplete and, partly, distorted form.

5.) Already on June 31st 1933, the "Scharnhorst" i.e. the Stahlhelm youth, was mandatorily melted with the Hitler youth; it was called up with its subordinate leaders and informed that it was to be, from now on, a part of the HJ.

6.) In September 1933, the whole of the "Wehr-Stahlhelm", i.e. the Stahlhelm members up to their 35th year inclusively, were included in a similar manner into the SA, and throughout without and against the will of the members. For instance, about 32.000 Wehr Stahlhelm members were called to a roll-call in the Gau Cologne. On this occasion a high-ranking SA leader held a short speech and issued the order, that from now on they were a part of the SA. A short ti earlier, it had been made known that the transferred formations would remain in separate units, together with their subaltern leaders, while in the SA, and would even continue to wear their field-grey uniform. Immediately after the transfer it was stated to them that they had to get no more orders from the Stahlhelm and that their future uniform would be that of the SA. This union was received with aversion by the overwhelming majority of the Wehrstahlhelm members. Large parts of them did not participate in the SA duties. They were partly detached to duty by back details and by police. Those who continued to refuse any service were after dismissed from their jobs at the instigation of the NSDAP and became unemployed. Neither were they given new jobs by the labor exchanges. On the whole, the attitude of the Wehrstahlhelm members towards the NSDAP remained the same as before; they clung to the hope that son change of conditions would once more lead them into the Stahlhelm

-1-

7.) In September 1934 the order became known that the so-called "Original Stahlhelm" (Kernstahlhelm), i.e. the older members,had to form, within their ranks,the SA reserve I (Stahlhelm). This order came from the Legion's direction (Bundesfuehrung) and was based on an agreement between the latter and the SA chief of staff and Hitler. In January 1934. it was made known that this SA reserve I (Stahlhelm) was made a part of the SA and was to be fusioned there with the -until then- SA reserve of the SA men into the SA reserve I. For the rest, however, the SA reserve I originating from the Stahlhelm was to have a certain autonomy within the SA and was to keep its leaders with the exception of the highest ranks, as well as its fieldgrey uniform, just as up to now; also, they were to remain members of the Stahlhelm.

8.) That, in this way advertised incorporation of the SA reserve I (Stahlhelm) took then place; in the Gau Cologne in the first days of April 1934. It happened by an order emanating from the chief of staff of the SA and the Legion leader of the Stahlhelm, Seldte, without any previous consultation of the Stahlhelm members and without their consent being asked for. A fusion according to units, as had been the case with the Wehrstahlhelm, did not take place. The transferred Stahlhelm members were not allowed to quit the SA reserve voluntarily, in order to join other unions. Individuals who wanted to leave the SA either because of bodily unfitness or because of other reasons, had to make applications for their release and had to state their reasons.

I want to state the following concerning the incorporation of the SA reserve I (Stahlhelm) into the SA in April 1934:

The orders issued for this fusion by the Regional leader of the Regional Legion Lower Rhine of the Stahlhelm did not correspond to the order of the Legion's direction. This latter said, that the fusion of Stahlhelm and SA was a voluntary one, so that the Stahlhelm members had the right to decline any service in the SA. But the overwhelming majority of the transferred Stahlhelm members did not know anything about this actual order of the Legion's direction, so that they assumed that they were taken over into the SA automatically and as cumulatively. Owing to this circumstance, they did not take any steps to prevent that fusion- nearly all of them - and remained in the SA reserve I and at the same time in the Stahlhelm, which had been changed in the meantime into the National Socialist German Combatants Legion (Stahlhelm) - NSDFB. Even after the fusion, they wanted to cultivate the old comradeship, and remained in the expectation of some change of political conditions, the more so, as once again their autonomy within the SA had been promised them. A small number of those transferred Stahlhelm members, it is true, has then applied for a withdrawal from the SA. But these applications were granted only in a very few cases, and their result was, that great difficulties were caused to the applicants in their economical position. A withdrawal from the SA was connected, in fact, with the greatest difficulties and drawbacks.

Only I and my close collaborators had known the actual text of above-mentioned order of the Legion's direction, according to which the transfer of the Stahlhelm into the SA should have been a voluntary one, whereas the Regional leader Count Clemens Beissel had published this order in a distorted form, i.e. in the sense of a compulsory transfer. This was the reason of my express refusal of the transfer into the SA, and of the refusal of some leading comrades.

H5127 - 0007

H5127-0008

This resulted in a renewed protective custody lasting a few days, for sabotage of the SA reserve, in April 1934.

I remained, of course, in the Stahlhelm as responsible leader of the Gau Cologne and had just as before the closest connection with the Stahlhelm members transferred into the SA, as these remained, on the whole, Stahlhelm members and participated in our common comradeship assemblies in the evenings. I am, therefore, in a position, to bear witness to their further attitude towards the NSDAP.

9) On the occasion of those comradeship evenings and at the monthly assemblies of the Stahlhelm members of the entire Gau Cologne, the original Stahlhelm members and Wehrstahlhelm members now in the SA currently complained about bad treatment and insults on the side of th SA leaders and the elder S members. The attitude of the transferred Stahlhelm members towards the NSDAP and its organizations remained unchanged. They comforted themselves with the hope for a speedy change

I consider it as absolutely out of question that the Kernstahlhelm and Wehrstahlhelm members transferred into the SA have participated in possible criminal aims and acts of the SA within the meaning of art. 6 of the Charter, or that they have helped those aims, if known to them. At any rate, I do not know of any cases of participation by Stahlhelm members in the Cologne Gau, although I was fully conversant with the conditions of the Stahlhelm members in the SA, even after the dissolut in November 1935. Soon after the Roehm riot of June 30th 1934, the greater part of the still existing Stahlhelm units were gradually prohibited and dissolved throughout Germany owing to alleged anti-state plots. Not one single case is known to me, that in the Gau Cologne a former Stahlhelm member has participated in the destruction of Jewish property or in bad treatments or persecutions of Jews or in the destruction of synagogues and Jewish dwellings in November 1938. On the contrary, many Stahlhelm members have helped the Jews in this time, as already earlier and still later on. In September 1944, when the last actions against Jewish mixed marriages and half-breeds were executed, a large number of Stahlhelm members has warned the half-breeds in time and has helped them to escape.

10) On the occasion of the transfer of Stahlhelm into the SA, the Stahlhelm leaders received in our Gau, in most cases, a rank in the SA which was usually two, but at least one grade lower than the corresponding Stahlhelm rank. Hardly anybody in the SA then became more than Obertruppfuehrer, even if he had been in the Stahlhelm, e.g. Battalion or regiment commander. Very few exceptions were made, for people who either had already had a leading position in the SA or the NSDAP or who had some claims on them. Accordingly, Count Clemens Beiss became at that time immediately Standartenfuehrer with the rank of a brigade commander.

The first promotions of the Stahlhelm members in the SA were announced after about 1½ years. As far as I know, only one person has become a Sturmbannfuehrer in the SA in the Gau Cologne.

The transferred Stahlhelm leaders have mostly done their service in th SA in a subordinate capacity in addition to their profession and witho pay, whereas the older SA leaders did full-time service and were paid.

The transferred Stahlhelm leaders themselves have, nearly all of them, contributed to the maintenance of the old Stahlhelm spirit and to the opposition against the NSDAP in the ranks of their subordinates after the incorporation.

Defense Exhibit No.1

11.) According to my intimate knowledge of conditions it is certainly not true that, as far as the Rhenish districts are concerned, the Stahlhelm members transferred into the SA may have become voluntarily members of the SA and wanted to help the purposes of the NSDAP. They never would have entered the SA - reserving, of course, certain exceptions - if they h not been incorporated by orders from above and by deception and duress, as stated above.
It was hardly possible for the transferred Stahlhelm members to leave the party. It was generally known that any such withdrawal was followed by police supervision, dismissal from one job, and, possibly, closing of one's plant or business. Such results were constantly threatened by the superior SA offices during the whole time after the fusion of Stahlhelm and SA. In cases where the transferred Stahlhelm members did not do any SA service, they were dismissed from the SA, with the result that they lost their position, especially when they we officials. For the rest, the majo ity of the transferred Stahlhelm members remained in the SA in order to cultivate the old fellowship, while their political attitude remained as mentioned above. Especially the Kernstahlhelm members now in the SA remained there as a separate body and formed a force body which was considered and treated as such by the SA leaders and old SA members.
Should former Stahlhelm leaders who hold positions of higher and highest rank after the fusion with the SA, assert that the transferred Stahlhelm members, or at least their majority, had become willing members of the SA, then this is by no means the case. I cannot but assume that those persons would like to cover and to extenuate their own conversion by such an assertion.
Owing to my constant contact with other Gau and Regional legions I am in a position to assure that this is the case, on the whole, for nearly all Regional legions. Until the end of the war, former Stahlhelm members were considered by party offices and Gestapo as members of a former anti-state organization and often persecuted.
12.) The SA reserve I organized at the time of the fusion of the Kernstahlhelm , and comprising the Kernstahlhelm members, has been dissolved in the Gau Cologne some years before the war, in connection with the shrinking of the active SA formations, and the members were distributed among the active SA formations. Those active SA formations now got smaller reserve groups. Now, e.g. an active SA Sturm was composed of generally four groups, 1-2 of which were reserve groups. The members of these reserve groups retained the "R" on the tabs of their official uniform as before. All the Kernstahlhelm members transferred in 1934 came in such way in the newly formed reserve groups of the active formations of the party.

signed: Carl S i m o n

Sworn before me this 20th day of June 1946
(signed) Montgomerie, Maj., R.A.
SO II Legal 808 L/R Mil. Gov. Det.

H5127 - 0009

SA STAHLHELM AFFIDAVIT No. 4.

Defense-Exhibit No.4

A F F I D A V I T.

I, Doctor of law Georg D u e s t e r b e r g born on 6 Aug.1906

In Bremen

at present time prisoner of war in the CIE 91 Darmstadt

being duly sworn, depose and say:

I am the only son and only child of Lt.Colonel(retired) Theodor Duesterberg and his wife Florentine Duesterberg née von Tecklenburg.

I never was a member of the NSDAP, nor of any of its organizations. I studied law and during the war from 1940 on I was occupied as Chief staff intendant (Oberstabsintendant) in the administration of the Counter-intelligence office(Amt Ausland-Abwehr) at the Wehrmacht High Command (OKW). Later on I directed that office of which the chief was Admiral Canaris a friend of my father's. Admiral Canaris, on account of his disagreements with the Third Reich, surrounded himself by men to whom he had absolute confidence. In my case he also wanted to protect me against the continuous persecutions by the Gestapo and the Security service (SD) to which our entire family was exposed for political and racial reasons. For instance in the years 1934 to 1939 he warned our family several times against waves of arrestations, so that every time we were able to leave Berlin, under false names, for days or weeks. My political opinions were also known to Colonel of the General Staff (i.G.) Hansen, executed after the 20th July 1944, who had quite lengthy conversations with me, with regard to the keeping ready and use of money, at disposition of the Counter-intelligence (Abwehr), for the uprising of the 20th July. All my military superiors were executed at that time. By chance I excaped from being arrested.

As son of the Lt.Colonel retired and second Chief (Bundesfuehrer) of the Stahlhelm (Organization of war veterans) Duesterberg I know about the state of affairs and events in the Stahlhelm.

The Stahlhelm was a democratic organization of the veterans (alte Frontsoldaten) of the first world war comprising all parties and having a purely democratic constitution.It was directed by two chiefs (Bundesfuehrer)who, in regular intervals were elected by the chiefs of the regional units (Landesverbandfuehrer). These too were elected by their subaltern leaders and so forth down the scale to the lowest leaders, chosen from the members out of their own ranks. The chiefs (Bundesfuehrer) were bound to sign jointly, they had to answer for their activity, politics, financial matters etc. before the assembly of regional chiefs (Landesverbandfuehrer) and were bound to follow the resolutions of this assembly. From this democratic system of election of leaders the situation often resulted that privates were elected to leaders by their comrades which then had veterans officers as subaltern leaders, that princes and generals stood within the ranks and were lead by workmen etc.

H5127 - 0010

From the described democratic constitution of the organization (Bund), from the attitude hostile to the leader-principle (Fuehrerprinzip), from the calm and moderate attitude of the members, the veterans of the first world-war, the opposition of the Stahlhelm resulted against the NSDAP together with its methods of proceeding and many of its leaders. The Stahlhelm belonged to no party, it comprised men of the parties of the right, the middle and the left, workers, peasants and small employees making up the majority of its members, as well as land owners, manufacturers(Fabrikant) and former officers. The opposition was increased, by the bitter attacks of the NSDAP and its affiliated organizations: in the press and in speeches, surprise assaults against individual members and violent interruptions of assemblies of the Stahlhelm, up to the intentions of a rising of the Stahlhelm in the years 1933 and 1934.

In the ranks of the Stahlhelm and among its officers antisemitism did not prevail, as an example my father whose grandfather had had himself baptized was repeatedly elected second leader (Zweiter Bundesfuehrer) of the legion.

My father became the center of the opposition of the Stahlhelm. From 1931 on he found himself in clear opposition to Hitler and his leaders and he seized every opportunity of fighting against them. He refused upto the last to submit or join the Stahlhelm to Hitler or the party. On account of that he was most violently attacked in speeches and press for political and racial reasons.

Starting out from this opposition my father was also advanced as a candidate for the presidency of the Reich, to prevent those who were against Hindenburgs policy, as well as the moderate right from voting for Hitler.

My father refused, in spring 1933, any higher state position or material donation, offered to him by the new government, because he was not going to be bribed.

On 26th April 1933 occured the breaking of the constitution of the Stahlhelm organization by the first Reich leader Seldte, who under false pretense had my father in his Berlin office, removed and arrested by force of arms. He let my father know that it was Hindenburg's wish that he should resign. Hindenburg himself late assured my father, that he knew nothing about it. Thist step was taken by Seldte in agreement with Goering. He had tried before continuously to win over the majority of the regional leaders to his policy, the submission of the Stahlhelm to Hitler. The majority however of the Stahlhelm leadership remained in opposition. It was an openly known fact, that at the meeting of the regional leaders, at that time at which, according to the articles of the organization, the leader of the legion (Bundesfuehrer would have to be newly elected, Seldte would not have been re-elected. Shortly after Seldte joined the party and placed the legion under Hitler .

In those months, February, March, April 1933 there came voluntarly every day Stahlhelm men from all walks of life, armed , as protective guards, to the cellar of our appartment house in Berlin, as protection for my father, as they knew the measures , of the leaders of the NSDAP of those days, and wanted to prevent them.

H5127 - 0011

H5127 - 0012

Affidavit Georg Duesterberg

My father continued to be considered the man representing the will to opposition of the preponderant part of the Stahlhelm. A large number of leaders stayed in continuous connection with him. Nearly every day simple Stahlhelm men came to our apartment to assure him of their fidelity. These demonstrations of fidelity continued for the whole year despite the fact that my father was put in the death cell in Dachau on 1 July 1934, on which day he was condemned to death by the Special Court (Sondergericht) in Munich and he only came out again alive through Hindenburg's intervention, and then, had to spend a longer period of time at the Columbia prison in Berlin, and our apartment, our mail and telephone were continuously watched. Despite this, workmen and peasants appeared even after their weeks work on Sundays from out of town with flowers, and men presented themselves, who without remuneration wanted to form a protective guard for my father in our apartment. The continuous watching and marking down of our visitors was known to these men and inspite of that they continued their opposition.

A unification, however, of the will to opposition in the Stahlhelm was prevented forcefully by Seldte. The Stahlhelm opposition fell to pieces after various leaders had been removed.

The transfer of the Stahlhelm to the SA was accompanied by strong terror against the anti-National Socialist Stahlhelm men. The resistance was to be broken down by removing and arresting my father, by waves of arrests in all parts of the Reich, by fights in the local groups, by surprise attacks on individual members and by removal of leaders of the opposition. These measures during the period of transfer had in part the desired effect on the little Stahlhelm man, who feared or had to fear for his family. More than the measures of force, the measures of deception of Seldte, and the men behind him, were to lead to success. He had my father close the whole press including the Stahlhelm press, his measures were presented as being approved by Hindenburg and the Reichcabinet. On the other hand Hindenburg's telegram of thanks for his services rendered to the Fatherland was published in the press, whereby the little Stahlhelm man was to be shown again that Hindenburg was in agreement about every thing. In this way all means were put to work : once Hindenburg causes the forced removal by use of arms and the arrest of the 2nd leader of the Bund, then Hindenburg expresses his words of thanks for loyal service. All this was made known to the Stahlhelm man, only that in the first place Hindenburg knew nothing about these other measures, except about the retirement of my father. This the Stahlhelm man did not come to know. Furthermore, matters were carried on by using promises and assurances.

In the transfer of the Stahlhelm to the SA, what was decisive for another part of the men, was their military discipline, which caused them to follow the orders and instructions of the new leaders, put in office by Seldte.

The transferred Stahlhelm men, insofar as they really had not already perceived the true situation were to have an unpleasant awakening. In the SA-Stuerme (SA-Companies) these men were maltreated, suspected, and assigned to low positions. They were always considered as opposition and reaction. They were watched over by their new comrades as well as by the Security Service (SD) and the Gestapo. Arrests did not diminish.

H5127 - 0013

A new opposition formed again, men and ex-leaders of the former Stahlhelm came to my father and tried to win him for foolish intentions to make a putsch. Individual new SA-Stuerme (SA companys) even hankered after a putsch. During all the years upto the end of the war demonstrations of loyalty by men, transferred to the SA were given to my father, who was always considered as the person, who had resisted Hitler, who had been right in his opinions that Hitler meant war and Germany's downfall. As if by a miracle he escaped death on the 20th July 1944, though for years he had been in regular, confidential contact with Goerdeler, Wagner, Count Blumenthal and had exchanged political ideas with them. His social connections led to proceedings for integrating the armed might, which was stopped only in July 1945 by the state attorney's office (Staatsanwaltschaft) in Grimma/Saxony. Though his political opinions were known everywhere, he had kept the confidence of many men that were transferred to the SA at the time. They all abhored Seldte as the traitor of the Stahlhelm and of its men. None had forgiven him the abuse of their confidence, By word and by letter they expressed this again and again to my father in all these years.

signed: Dr. Georg Dusterberg

Subscribed and sworn to before me this day of 27th June 1946.
I further certify that I have read the above declaration.

Darmstadt CIE No 91
signed: Martin H. Weik
Martin H. Weik
1st Lt Inf

326th Headquarters
Intelligence Detachment
APO 175
Official
Rubber Stamp

Camp 91